IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA FOURTH DIVISION

Denny Hecker's Cadillac – Pontiac – GMC, Inc., Walden Fleet Group, Inc., and Southview Chevrolet, Co.,) Court File 0:10-cv-00068-JRT-RLE)
Plaintiffs,) RULE 12 MOTION TO DISMISS
-VS-)
GMAC I.I.C. GMAC I.I.C.)
GMAC, LLC,)
)
Defendant.)

Pursuant to Rule 12, F.R.Civ.P., Defendant hereby moves the court for an Order dismissing Plaintiffs' complaint for lack of subject matter jurisdiction (Rule 12(b)(1) and failure to state a claim upon which relief may be granted (Rule 12(b)(6).

FOLEY & MANSFIELD, P.L.L.P.

Dated: January 28, 2010

By: s/Michael W. Haag
Michael W. Haag (#39007)
Thomas J. Lallier (#163041)
250 Marquette Avenue, Suite 1200
Minneapolis, MN 55401
(612) 338-8788

Attorneys for Defendant